

### **III. REMARKS**

#### **Present Application**

Claims 1, 7, 8, 10 - 12, 17, 18, and 20 - 25, are now pending in this application. Claims 2 - 6, 9, 13 - 16 and 19 have been canceled without prejudice. Applicant gratefully acknowledges the Examiner's holding the Original Claims 22-25 allowable. Rejected Claims 1 and 12 have been amended. Dependent Claims 7 - 8, and 17 - 18 have been amended to depend directly from Claims 1 and 12, respectively. No new matter has been introduced with this amendment which is supported throughout the instant Specification. Applicant respectfully asserts that all of the pending claims are patentable.

#### **Response to Objections**

##### **The Examiner's Position**

The Examiner has issued an objection to Claims 9-11 and 19-21 as depending from a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

##### **The Applicants' Response**

Claims 9 and 19 have been canceled without prejudice. Pending dependent Apparatus Claims 10 - 11 and Method Claims 20 - 21 are deemed to overcome the Examiner's objections, in view of the amended antecedent Claims 1 and 12, respectively, which are believed in allowable form as set forth above.

### **RESPONSE TO REJECTIONS**

#### **35 U.S.C. §102(b)**

##### **The Examiner's Position:**

The Examiner has rejected claims 1 – 8 and 12 – 18 under 35 U.S.C. §102(b) as being anticipated by U.S. 5,043,636 to Klopotek et al. entitled “High Voltage Switch”. In the Examiner’s opinion, Klopotek (Fig. 1; col 1 and col 3) discloses a device containing a plurality of primary electrodes, a secondary electrode positioned between the primary electrodes, a first circuit for supplying power to the primary electrodes, and a second circuit for supplying power between the secondary electrode and alternate ones of the primary electrodes wherein the first circuit is independent of the second circuit and the second circuit is configured to apply pulses of high voltage between the secondary electrode and alternate ones of the primary electrodes. Regarding claims 2 and 3, the Examiner also cites this reference as disclosing in Fig 1 the symmetric arrangement of the primary electrodes about the center occupied by the secondary electrode. The primary electrodes in Klopotek (col 3-col 4) allegedly comprise pairs of electrodes (claim 5) wherein the time between pulses is less than the duration of a discharge between a pair of the primary electrodes while each pulse duration produces a single spark (Claims 7 and 8). The Klopotek device is similarly alleged to anticipate the subject matter of method claims 12-18.

• **Applicant’s Response:**

Applicant respectfully traverses the Examiner’s 35 U.S.C. §102(b) rejections asserting in part that the reference of record does not teach every element of any claim. Applicant respectfully notes that anticipation requires that each and every element of the claimed invention be disclosed in the prior art reference, device, or practice (See, *Akzo N.V. v. U.S. Int’l Trade Comm’n*, 808 F.2d 1471, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986) as set forth below.

As Applicant has amended the claims herein to streamline prosecution of the claims to embodiments of the invention which are currently believed to be of commercial interest, the base claims 1 and 12 have been amended to include the subject matter of the dependent claims 2-6 and 13-16, respectively, now canceled without prejudice.

Applicant’s comments will be directed to the new pending claims.

Applicants fundamentally disagree with the Examiner that the cited reference discloses or even suggests the instant arrangement of primary electrodes about a center axis and the secondary electrode positioned at the center. On the contrary, the Klopotek device provides a parallel arrangement of a secondary electrode between a pair of primary electrodes; there is no axially symmetric arrangement as presently claimed. The cited reference does not suggest embodiments other than linear parallel stacks of a plurality of electrodes (Fig 5). Moreover, the rejected claims 1 and 12 have been amended by incorporating the subject matter of claims 9 and 19, now canceled without prejudice. Thus the presently amended base claims 1 and 12 are now more particularly directed to a device or method, respectively, wherein a second circuit independently supplies a second voltage to the secondary electrode that is at least about 10 times greater than the first voltage supplied by a first circuit to the primary electrodes. This configuration is not disclosed or suggested by Klopotek as admitted by the Examiner (P. 4, re subject of claims 9 and 19). Therefore, Applicant deems the presently amended base claims 1 and 12 as free of the cited art.

The Applicants further respectfully disagree with the Examiner that the rejected claims 2-6 and 13-16 have been directed to prior art subject matter. Applicant asserts that in as much amended claims 1 and claim 12 are novel and deemed allowable, the claims presently dependent therefrom are also in condition for allowance.

Therefore, Applicants respectfully request that such 35 U.S.C. §102(e) rejections be withdrawn, and the presently pending claims all be found allowable which favorable action is respectfully solicited.

#### **RESPONSE TO ALLOWABLE SUBJECT MATTER**

- **The Examiner's Position:**

The Examiner has allowed 9-11 and 19-21 "if rewritten in independent form including all of the limitations of the base claim and any intervening claim."

- **Applicants' Response:**

As set forth above, Applicants respectfully traverse the objection to claims 9-11 and 19-21 arguing that the claims from which they depend are independently patentable. However, as further set forth above, Applicants have amended base claims 1 and 12 to comprise the subject matter of claims 9 and 19, respectively as well as all of the limitations of the base claim and the intervening claims 2-6 and 13-16. It is submitted that the dependent claims 8, 10 and 11 as well as 17, 18, 20, and 21 depending from allowable base claims, therefore, are also in condition of allowance.

**NEW ART OF RECORD NOT RELIED UPON**

The Examiner has made of record, but not relied upon, U.S. 5,993,761; 4,661,763; and 3,863,107 which the Examiner asserts disclose a similar inventive subject matter. Applicant has reviewed these references which do not disclose. No further comment is required at this time.

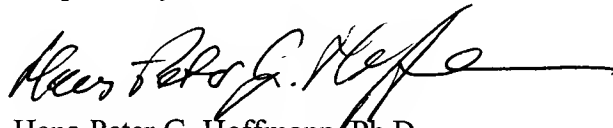
CONCLUDING REMARKS, REQUESTS AND FEE PAYMENTS

For all of the reasons set forth above, it is firmly believed that pending claims 1, 7, 8, 10, 11, 12, 17, 18, and 20-25 are allowable. Early notification of allowance is solicited.

Fees

The Commissioner is hereby authorized to charge payment of any fees that may be required under 37 C.F.R. §1.16 in connection with the paper transmitted herewith, to Deposit Account No. 033-975.

Respectfully submitted,



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